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April 28, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

**MOTION TO SUPPORT AB 1608 (LIU) WHICH ALLOWS PERSONS TO REGISTER AND VOTE AT 17 YEARS (ITEM NO. 100-A, AGENDA OF APRIL 29, 2003)**

Item 100-A is a motion by Supervisor Yaroslavsky to support AB 1608, which would allow an individual who is 17 years old and will be 18 by the date of the next general election, to register and vote in any intervening primary or special election.

The author's intent is to encourage more young people to vote by extending voter rights to 17 year olds during a primary election. She believes that young people are more likely to vote while they are still living at home in their own community. Currently, many students are not eligible to vote until after graduation. By that time, some students have moved away from home and may be enrolled at colleges outside of California. Without an established tie to the community, young people are more reticent to vote for the first time.

The constitutionality of AB 1608 was discussed in the Assembly Committee on Elections, Redistricting and Constitutional Amendments on April 22, 2003. Because the United States Constitution only addresses abridging the right to vote and this bill expands voting rights, the Committee analysis notes that there appears to be no conflict with Federal law but there may be an issue with California law which would require amending the State Constitution. However, the author notes that nine states have passed laws permitting individuals, who will turn 18 by the time of the next general election, to vote in intervening primary elections. Although the constitutions of several of these states resemble that of California, the provisions allowing individuals who are less than 18 years of age to vote were enacted by statute and not by amending the state constitution.

The author's office indicates that they have asked Legislative Counsel for an expedited opinion on the constitutional issues and, depending upon the outcome, will hold an emergency Committee hearing before the end of April. If the opinion is negative, the author will return with the appropriate legislation next year.

The Registrar-Recorder/County Clerk indicates that there would be minimal cost impact on the County, involving some minor software adjustments to the Voter Registration software. She further states that there are also issues with the cut-off time for 17-year olds to register and vote. Some 17-year olds, for example, would be eligible to vote in a March city election, while those eligible to vote in April would not be.

There is no County policy that specifically addresses the issue of allowing persons to register and vote before the age of 18. **Therefore, a position on AB 1608 is a matter for Board determination.** However, in 1999 your Board did support SB 86 (Murray) which would have encouraged additional voters to register by requiring: each county to design and implement an outreach plan intended to identify and register qualified voters and various State and local public agencies to provide voter registration information to specified persons and; school districts to provide voter registration forms.

AB 1608 was introduced on February 21, 2003 and is currently in the Assembly Committee Elections, Redistricting and Constitutional Amendments with no hearing date set. The Registrar-Recorder County Clerk indicates that the California Association of Clerks and Elections Officials is opposed to the bill. However, the Committee analysis shows them to be in support. The analysis also indicates AB 1608 is supported by the League of Women Voters of California and, Kevin Shelley, Secretary of State.

DEJ:GK  
MAL:DDN:ib

c:     Executive Officer, Board of Supervisors  
       County Counsel  
       Registrar-Recorder/County Clerk